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Committee against Torture
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Summary record of the first part (public)* of the 1298th meeting
Held at the Palais Wilson, Geneva, on Friday, 24 April 2015, at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1298/Add.1.

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The meeting was called to order at 10.05 a.m.

Meeting with non-governmental organizations

1. **The Chairperson** said the exchange of views between the Committee and non-governmental organizations (NGOs), which had become a tradition over the years, had proved valuable in further realizing the goals of the Convention. Contributions from civil society organizations based in Geneva and in many other parts of the world enriched the Committee's understanding of the situation in different countries and enabled it to obtain data and analysis from alternative sources when engaged in interactive dialogue with States parties. The information played a role in the reporting system, individual complaints, inquiries and general comments and was useful to both the Committee and States parties. NGOs visited gaols, implemented training and alerted authorities to situations that violated the Convention. Recent NGO activities included coordination of an expert forum on follow-up procedures by the World Organization against Torture (OMCT) in February 2015 and a meeting on rehabilitation organized by the International Rehabilitation Council for Torture Victims (IRCT) in April 2015. The Association for the Prevention of Torture (APT) had played an important role in the Convention against Torture Initiative.

2. NGOs had been invited to participate in a dialogue at the twenty-seventh Meeting of chairpersons of human rights treaty bodies to be held in June 2015 at San José, Costa Rica; it would be an opportunity for all organizations, including those based outside the Western Hemisphere, to interact with the committees and to develop further connections.

3. The Committee set great store by the removal of every obstacle to the contribution of civil society to the full implementation of the obligations laid down in the Convention. Accordingly, it had developed a system of rapporteurs on reprisals and it encouraged all treaty bodies to exercise zero tolerance in respect of reprisals against human rights defenders.

4. The Committee valued the expertise provided by NGOs, including their contributions to general comments Nos. 2 and 3, but took full responsibility for its own decisions, which were the result of the deliberations of its independent members, acting on the basis of their own knowledge and conscience.

5. **Ms. Gaer** welcomed the opportunity to learn the views of NGOs and supported the comments of the Chairperson on the value of NGO participation in the Meeting of chairpersons of human rights treaty bodies. It was an opportunity that had been missed at the twenty-fourth Meeting of chairpersons in Addis Ababa in 2012, which had been attended by only two regional NGOs.

6. **Ms. Pradhan-Malla** commended the contribution made by NGOs in providing information and evidence from victims as well as through study and research. The Committee was empowered and encouraged by the presence of NGOs in the constructive dialogue process. She would be interested to learn what action NGOs took following receipt of the concluding observations and upon ratification of the Convention by a State. She asked what challenges they faced in dealing with the Convention and if they had put in place any mechanisms for their own protection.

7. **Mr. Modvig** warmly welcomed participants from NGOs and thanked them for supporting the work of the Committee through factual contribution and corrections to State party reporting and through their input into the working methods of the Committee. He expressed appreciation for the meeting on strengthening of follow-up procedures coordinated by OMCT. Non-governmental bodies might wish to devise an initiative of their own to strengthen their contribution to the eradication of torture in parallel with the Convention against Torture Initiative which had been set up by States parties in order to promote implementation of the Convention.

8. **Mr. Gaye** joined previous speakers in expressing his appreciation for the contribution made by NGOs to the work of the Committee. He was nevertheless concerned that NGOs based in Europe and North America were more active at the international level than the so-called "local" organizations in other parts of the world. The effectiveness of NGOs in West Africa in combating torture and their ability to participate in meetings in Geneva would be facilitated by increased access to funds. He would be grateful to learn more about the cooperation assistance offered by the NGOs present to their local counterparts.

9. **Ms. Benninger-Budel** (World Organization against Torture (OMCT)) expressed appreciation for the Committee's work and for its fruitful dialogue with civil society organizations. OMCT continued to coordinate the work of civil society organizations, organizing meetings with them, striving to ensure that alternative reports were submitted for each country under review and facilitating their participation at Committee meetings.

10. Her organization supported civil society as an important constituency for implementation and change, disseminating an e-bulletin after each Committee session and setting up a blog dedicated to the Committee's work. At the request of NGOs, public sessions of the Committee were now webcast and OMCT facilitated domestic web-screenings of the meetings relating to the State party concerned.

11. Follow-up to concluding observations was a key element for effective implementation of recommendations but one that did not always receive the full attention of States or civil society organizations; to remedy that situation, OMCT had arranged an expert forum on follow-up procedure in February 2015, attended by members of the Committee and representatives of civil society organizations. Discussions at the forum had focused on how to increase the response rate to the follow-up procedure; how to assess State compliance; how to increase civil society involvement in the procedure; how to make follow-up recommendations more effective; and how to translate recommendations into domestic legal and policy reform.

12. She welcomed the Committee's decision to review Guinea as a non-reporting State in 2014 and to send Cabo Verde and Seychelles a specific reminder to submit their initial reports; she encouraged it to examine non-reporting States regularly and systematically.

13. She invited the Committee to produce a new general comment on the practical importance of the principle of non-refoulement given that existing general comments did not address the challenges of new immigration control and counter-terrorism measures. In addition, the current interpretation of article 3 of the Convention was problematic and contested and, while the jurisprudence of the Committee might suggest otherwise, non-refoulement was an increasingly universal problem and not one that only impacted Western States. A written paper on the issue had been submitted to the secretariat.

14. **Ms. Holmlund** (Amnesty International) requested the Committee to consider hosting a videoconference for national NGOs as a means of assisting their participation in meetings in Geneva and encouraging them to stay engaged for follow-up and implementation of concluding observations. With respect to the question raised by Ms. Pradhan-Malla, Amnesty International reminded NGOs of their role in follow-up to concluding observations and supported their activities in-country; it was also engaged in direct advocacy with governments in order to reinforce the Committee's recommendations.

15. **Ms. Osman** (Alkarama Foundation) asked the Committee to clarify its interpretation of the confidential nature of the inquiry procedure set out in article 20 and whether it would be possible for the source to be informed that an inquiry had been initiated. As to the individual complaint mechanism, she requested that the Committee should review, as a matter of priority, cases of individuals detained pending extradition, since the duration of their detention might depend on how long the Committee took to reach a decision.

16. In response to the issue raised by Ms. Pradhan-Malla, her organization tried to disseminate the recommendations of the Committee at the local level in order to ensure their use by human rights defenders and NGOs in lobbying governments and in other human rights activities.

17. **Ms. McEvoy** (International Service for Human Rights (ISHR)), referring to the issue of reprisals, welcomed the appointment of a focal point and the action taken to send communications to States on allegations concerning them. She asked whether the focal point on reprisals had been able to share experiences with other focal points and whether it had encouraged the founding of focal points where they did not exist.

18. **Ms. Lardy** (Association for the Prevention of Torture (APT)) said that her association had recently been approached by a national preventive mechanism on how it should engage with the Committee. It would be helpful if such information was displayed on the Committee's website since it did not refer to mechanisms that were not part of national human rights institutions.

19. She suggested that a discussion with NGOs in the following year could be based around the themes of any new general comments.

20. **Ms. Jourdan** (Association of World Citizens (AWC)) drew attention to the difficulties of persons who were required to appear before the authorities in the countries in which they had requested asylum. Despite assurances to the contrary, they were frequently assigned interpreters whose family members supported factions opposed to the victims in their country of origin. Some asylum seekers were the victims of extreme forms of torture which were committed in post-conflict situations in Africa: military commanders operating in refugee camps had settled political scores by giving former soldiers the choice of losing their life or losing a leg. The victims had been amputated in such a way that it was not possible to fit prosthesis products in Africa and, upon arrival in the country in which they applied for asylum in Europe, they were often denied the more expensive treatments that would have enabled them to cope better with the specific pain of amputation. In addition, despite their medical problems, victims were often required to travel lengthy distances to appear before the authorities and their low-cost treatment meant that bleeding and intolerable pain were still experienced several years after the amputation had occurred.

21. Her organization sought to preserve the dignity of such victims and to protect them from the adverse effects of travel which could set back their recovery by many months. Her experience was limited to cases within Europe but she believed that the problem was more widespread; it might perhaps be alleviated by creating links between the Committee and national committees against torture.

22. **Ms. Belmir** said the work of NGOs, including awareness-raising workshops and dissemination of information, was of great value. She asked how organizations adapted their approach when attempting to reach women, children, migrants and other vulnerable populations, including those who could not read or write.

23. **Mr. Tugushi** recognized the valuable contribution of NGOs to the work of the Committee: the information they provided frequently enabled the country rapporteurs to conduct a more thorough review of situations in-country. He asked whether civil society organizations had any priorities in respect of the articles on which the Committee should focus in its forthcoming general comments.

24. The Committee engaged in extensive dialogue with national human rights institutions but he considered in-depth contact with the national preventive mechanisms to fall within the mandate of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Concerning focal points, the Committee worked closely with the Subcommittee and other bodies on the issue of reprisals.

25. **Mr. Bruni** urged all NGOs to submit any relevant material linked to the consideration of State party reports as soon as it became available so as to enable the Committee to study and, where appropriate, translate the information. In regard to article 20 of the Convention, he said that the Committee's rules of procedure prevented it from sharing information with NGOs during the inquiry process. While the Committee was unable to inform NGOs of the launching of an inquiry, it worked closely with them on other issues. Concerning the individual complaint mechanism, he explained that the Committee prioritized cases involving detainees at immediate risk of torture. In cases involving persons detained pending extradition, the Committee requested that States parties adopt interim measures to ensure that no prejudicial decisions could be taken against the individuals concerned before their cases had been considered by the Committee.

26. **Ms. Gaer** said that around 25–30 per cent of States parties failed to respond to the Committee's concluding observations. The vast majority were developing countries. Around 15 out of the 19 States parties that had not reported for 10 years or more were African countries, which suggested that more attention should be paid to enhancing reporting capacity in that region. One solution could be to reinvest the cost savings from the treaty body strengthening process into capacity-building initiatives. As to the issue of outdated lists of issues prior to reporting, she wondered whether the situation could be improved through the establishment by the Committee and NGOs of a systematic procedure for updating information.

27. **Mr. Zhang** said that the timely submission of NGO alternative reports was imperative to the success of the Committee's work. He also stressed the importance of holding regular meetings between the Committee and NGOs to exchange information and best practices.

28. **Ms. Pradhan-Malla** asked what efforts had been made to involve local NGOs in the preparation of alternative reports. She also wished to know whether NGOs had comments on the Committee's draft reporting guidelines for articles 20 and 22 of the Convention and whether they would consider representing a greater number of victims in the individual communications procedure in future.

29. **The Chairperson** said he would welcome suggestions of issues or articles that warranted the adoption of a general comment as well as recommendations on the best use of technology to facilitate cooperation between the Committee and NGOs. In regard to reprisals, he stressed that the Committee had been working in partnership with other treaty bodies to address the matter in a coherent and effective manner.

30. **Mr. Grassy** (International Federation of Action by Christians for the Abolition of Torture (FIACAT)) said that his organization would do its utmost to submit alternative reports to the Committee on a timely basis to allow for translation where necessary. He welcomed the opportunity to increase the number of meetings held between the Committee and NGOs and suggested that more events should be organized during the intersessional period. He also proposed that the Committee should strengthen its cooperation and collaboration with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and other international and regional bodies dealing with the issue of torture. As to making the best use of technology to facilitate cooperation between the Committee and civil society, he pointed out that many NGOs did not have sufficient resources to organize videoconferences with the Committee.

31. **Ms. Martínez** (International Disability Alliance (IDA)) said that cases of torture committed against persons with disabilities often went unreported and she urged the Committee to raise the issue of disability and ill-treatment in its constructive dialogue with States parties. She also stressed the importance of collecting more data on the number of persons with intellectual and psychosocial disabilities held in involuntary detention and the

number of persons with disabilities subjected to forced treatment or sterilization. Lastly, she suggested that the Committee should formulate a general comment on disability which encouraged States parties to provide their reports in accessible formats so that all members of society could access the information.

32. **Ms. Milani** (Americans for Democracy and Human Rights in Bahrain (ADHRB)) said that her organization had taken steps to inform its field offices of the provisions of the Convention and the complaint procedure available to victims of torture or ill-treatment. She stressed the importance of providing videoconferencing facilities for local NGOs that were not able to attend Committee meetings in person.

33. **Ms. Benninger-Budel** (World Organization against Torture (OMCT)) said that her organization provided assistance upon request to local NGOs of African States parties that were due to appear before the Committee.

34. **Ms. Osman** (Alkarama Foundation) stressed the importance of devising an effective procedure to ensure that States parties reported on time in the light of the substantial additional resources required to update outdated lists of issues prior to reporting.

35. **Ms. Lardy** (Association for the Prevention of Torture (APT)) said that many national preventive mechanisms were unsure of how to contact the Committee. She therefore suggested that the Committee should publish reporting guidelines for national preventive mechanisms on its website.

36. **Ms. Jourdan** (Association of World Citizens (AWC)) said that the Committee should consider the issue of prison privatization and its impact on the number of cases of torture and ill-treatment. She suggested that the Committee should strengthen its cooperation with parliamentary committees and national preventive mechanisms in order to increase awareness of its work at the national level.

37. **The Chairperson** thanked the NGO representatives for their informative and constructive comments and said that cooperation and collaboration between the Committee and civil society organizations would continue on a regular basis.

The public part of the meeting rose at 11.45 a.m.